



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2208623

**Applicant Name:** Brittani Ard

**Address of Proposal:** 3648 Dayton Ave N

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into four (4) lots (unit lot subdivision). Proposed lot sizes are: A) 1,256 square feet, B) 1,240 square feet, C) 1,271 square feet; and D) 1,224 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related project: establish use as and construct two two-unit townhouse structures under MUP No. 2207405.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into four lots as a unit subdivision. (Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:**

☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

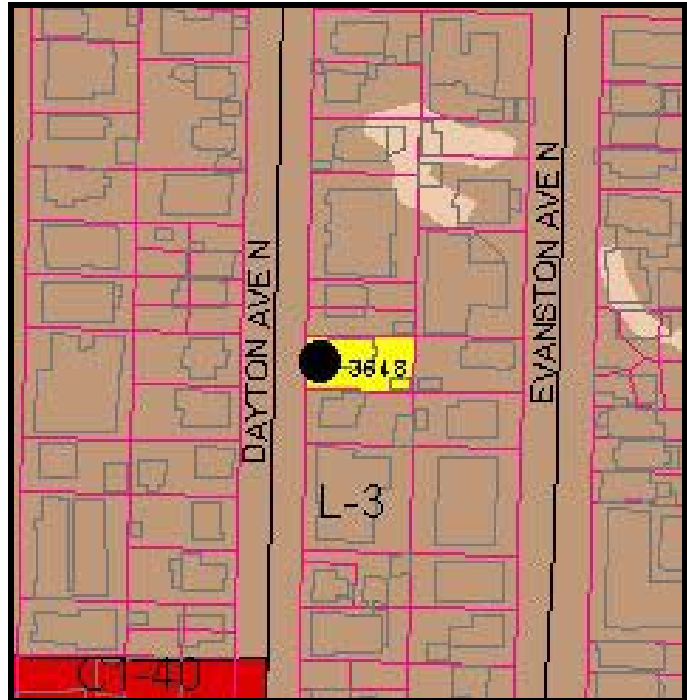
☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

## **BACKGROUND DATA**

### Site Description

The approximately 5,000 square foot property is located between Dayton Ave N. and Evanston Ave N in the Fremont area of Seattle. Access to the site is via Dayton Ave N, which is paved and improved with concrete curbs, gutters, a planting strip and sidewalks on both sides of the street. Vehicle access is provided via Dayton Ave N. The two two-unit townhouse structures are currently being reviewed for applicable code compliance under MUP No. 2207405. The parcel is not located in any identified or designated Environmentally Critical Area.



In the immediate vicinity, the subject property and surrounding lots are zoned Multi-family Lowrise 3 (L-3). To the north, is single family (SF-5000) zoning. To the south, zoning consists of commercial zones (C1-40, NC3-40, NC2-40). To the east and west of the subject site, lowrise zones (L-1, L-2, LDT) are prevalent. Development in the immediate vicinity consists of one and two-story single-family dwelling units and small scale multi-family structures, which are consistent with the Land Use Code.

### Proposal

The proposal is to subdivide one parcel into four (4) unit subdivision lots with vehicle access provided from Dayton Ave N., which abuts the westerly property line of the site. Direct vehicle access to the proposed lots and future dwelling units will be via one (1) ten (10') foot curb cut which accesses the garages within each unit, an easement for vehicle access into the central auto-court is required. The four (4) townhouse units are currently being reviewed for applicable code compliance. Each unit will have parking within the structure. Proposed lot sizes are as indicated in the summary above. All lots have direct pedestrian access to Dayton Ave N, via the ingress egress easement from the shared auto-court.

Note that the construction of the proposed townhouse structure has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit MUP No. 2207405. The subject of this analysis and decision is only the proposed division of land.

### Public Comments

The comment period for this proposal ended on January 23<sup>rd</sup> 2003. During the public comment period, DCLU received no written comments.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;.*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family residential use. The allowable density of the subject property is one unit per eight (800) hundred square feet of lot area. Given a lot area of approximately 5,000 square feet, six (6) units are allowed and four are proposed. Maximum lot coverage is 50%. Front setbacks are an average of the neighboring adjacent lots, the maximum required setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side yard setback is five (5) feet; the actual required setback is based on the height of the facade adjacent to the side property line. In this case, the north and south side setbacks are required to be a five (5') foot minimum with a (6') foot average. Rear yard setback is twenty-five (25) feet or fifteen (15) percent of the lot depth, in no case less than fifteen (15) feet, in this case it is fifteen (15') feet.

The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (P.M.#250418-3-032) to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on January 7<sup>th</sup>, 2003. There is an eight (8") inch standard water main located in Dayton Ave N which serves the site. There is an eight-inch (8") public sanitary sewer (PSS) located in Dayton Ave N, which was originally a combined sewer. As noted above, this area has been separated with the construction of an 18-inch (18") public storm drain (PSD) in N 36<sup>th</sup> St and this mainline discharge routes to a Designated Receiving Water. Plan review requirements were made at time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

3. The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
4. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
5. There are presently five (5) trees on site as evidenced by the required survey submitted at the time of this application. SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on site trees. The lot size of the proposal requires that at least ten caliper (10") inches of trees be planted on site. The tree requirement is currently being reviewed under MUP No. 2207405.
6. The applicant proposes the construction of multi-family dwellings on the subject site. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to

nonconformities, the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2207405. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B, C, and D are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

#### Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise (3) zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

#### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

#### **CONDITIONS - SHORT SUBDIVISION**

##### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set

shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision (#250418-3-032).
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
6. Provide an area to allow for the posting of address signage for unit lots C and D at a location visible from Dayton Ave N and provide a covenant and/or an easement to ensure that address signage can be maintained.

Signature: (signature on file) Date: September 4, 2003  
Lucas DeHerrera, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services